

Appl. No. 10/018,626

Amendment dated February 11, 2004

Reply to Non-final Office Action of October 10, 2003

REMARKS

The specification has been amended to correct minor errors and omissions. At page 4, line 9, "film" replaces "foil," fixing an obvious typo. Also, minor errors in the descriptions of Figures 7-10 on pages 8-9 have been corrected. Support for these latter changes appears in the Figures themselves and in the legend that follows on page 9. No new matter was added.

Claims 20-54 are pending. Claims 20 and 42 were rejected as anticipated by U.S. 4,974,384 (Pacione). Claims 21-41 and 43-54 were rejected as obvious over Pacione '384. Claim 22 was rejected as indefinite for want of antecedent basis for "the coherent adhesive layer." Applicants respectfully submit that these rejections should not be maintained against the claims as amended.

The indefiniteness rejection of claim 22 has been avoided by deleting "adhesive" from the claim. Antecedent basis for "the coherent layer" appears in claim 20, on which all remaining claims depend. Claim 20 as amended is not anticipated or made obvious by Pacione '384, because this reference does not teach or suggest reversible, nondestructive anchorage of the coherent layer to the film.

Claim 20 has been amended, clarifying that the nonfibrous coherent layer is reversibly anchored by applying a material that embeds or fills the film anchoring elements and sets to form the coherent layer mechanically anchored to the film, wherein the anchoring elements remain

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largely intact after the coherent layer separates from the film. Support for the amendments to claim 20 is found in the application at page 1, line 22 to page 2, line 9 and at page 6, lines 15-20. No new matter has been added.

Pacione '384 discloses assemblies with hook and loop fasteners providing reversible attachment of structural elements. One embodiment involves casting a concrete ceiling piece onto an attachment element having hooks that embed in the concrete. Col. 4, lines 48-55. The opposite side of the attachment element has loops that reversibly attach to complementary hooks projecting from another element to provide the reversible attachment capability. See Figures 1 and 5.

The reference does not say or suggest that the bond between the ceiling concrete and the attachment element hooks is reversible or nondestructive to the hooks, if reversed. Separating the concrete from the embedded hooks is not discussed at all, and not surprisingly so, since the reversible fastening in Pacione '384 is provided by the complementary pairs of hooks and loops, not by the bond between concrete and fastening element. There is no reason to separate the attachment element from the concrete for re-use, and thus there is no recognition of the problem addressed by the invention. Failing to disclose or suggest combining elements including a reversible, nondestructive anchorage of the coherent layer to the film, and lacking any rationale for selecting and combining those elements, Pacione '384 cannot anticipate or make obvious claim 20, or any claim depending from it.

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The rationale given for obviousness of claims 21-41 and 43-54 is that the materials and their properties are known in the art. Obviousness cannot be shown simply by alleging the art discloses the elements of a claim. M.P.E.P. § 2143.01; In re Rouffet, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998) (The combined references taught every element of the claims, but without motivation to combine, *prima facie* obviousness was not shown.).

The rejection further states that the claims would have been obvious "based on desired physical properties of the materials being manufactured." What "desire" does this refer to? Where in Pacione '384 is expressed a desire for a reversible, nondestructive bond of cast material to anchors? The only desire on this record is found in applicants' disclosure, which is not a proper source of motivation to make the invention. Such motivation must be found in the art.

CONCLUSION

In view of the amendments and remarks above, applicants ask for reconsideration and allowance of all pending claims. Applicants further ask for extension of the period for response two months to March 10, 2004 and authorize a charge to Deposit Account No. 01-1250 in the amount of \$420.00 for the extension fee. Order No. 04-0056. Should any fees be due for entry and consideration

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From-HENKEL CORPORATION PATENT DEPT,

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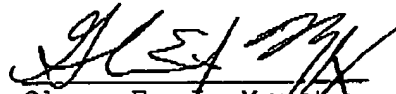
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of this Amendment that have not been accounted for, the
Commissioner is authorized to charge them to Deposit
Account No. 01-1250.

Respectfully submitted,



Glenn E. J. Murphy

(Reg. No. 33,539)

Attorney for Applicants

610-278-4926

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Henkel Corporation

Law Department

2200 Renaissance Boulevard, Suite 200

Gulph Mills, PA 19406